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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/608,411	06/30/2003	Byung-sun Choi	Q73220	8067
23373	7590	04/24/2007	EXAMINER	
SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			VO, TUNG T	
			ART UNIT	PAPER NUMBER
			2621	
SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE		
3 MONTHS	04/24/2007	PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/608,411	CHOI, BYUNG-SUN
<b>Examiner</b>	<b>Art Unit</b>	
Tung Vo	2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 22 March 2007.

2a)  This action is **FINAL**.                    2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)  Claim(s) 1-3,5-13,15-18,20-23 and 25-45 is/are pending in the application.  
4a) Of the above claim(s) 4,14,19 and 24 is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1-3,7,9,10,12,13,17,18,22,23,27,29,30 and 32 is/are rejected.

7)  Claim(s) 5,6,8,11,15,16,20,21,25,26,28,31 and 36-45 is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_

4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_

5)  Notice of Informal Patent Application

6)  Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
2. Claims 1, 3, 7, 9-10, 12-13, 17-18, 22-23, 26-27, 29-30, and 32-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tajime (US 6,915,018) as set forth in the previous Office Action dated 12/22/06.

### ***Response to Arguments***

3. Applicant's arguments filed 03/22/2007 have been fully considered but they are not persuasive.

The applicant argued that Tajime fails to teach the complexity estimation unit calculates complexity of a picture to be currently encoded, using complexity of decoded previous and current pictures output from the video decoding unit and complexity of an encoded previous picture output from the video encoding unit; and there is no suggestion to combine the teachings of different embodiments in a single reference of the remarks.

The examiner respectfully disagrees with the applicant. It is submitted that Tajime teaches the complexity estimation unit (101 of fig. 1) calculates complexity of a picture to be currently encoded, using complexity of decoded previous and current pictures output from the

video decoding unit (11 of fig. 1, Note I, P, B pictures of MPEG) and the complexity estimation unit (101 of fig. 2) also calculates complexity of an encoded previous picture output from the video encoding unit (col. 10, lines 23-33), and the complexity measure in all pictures (col. 10, lines 11-18).

Since Jajime teaches the complexity estimation unit (101 of figs. 1 and 2) calculates the complexity of the decoded pictures (11 of fig. 1), the complexity of the encoded picture (13 of fig. 2), and the complexity measure in all pictures (col. 10, lines 11-18) and suggests various embodiments are possible within the scope of the essentials of the disclosure (col. 14, lines 55-57), so this is evident to one of ordinary skill in the art to combine the teachings of figures 1 and 2 of Tajime together in order to improve the complexity measurement. In view of the discussion above, the claimed features are unpatentable over Tajime.

#### ***Allowable Subject Matter***

4. Claims 5-6, 8, 11, 15, 16, 20, 21, 25-26, 28, 31, 36-45 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. The following is a statement of reasons for the indication of allowable subject matter:

Tajime teaches the transcoding having the complexity measure computing means (101 of fig. 18) for computing the complexity of the encoded and decoded pictures and quantizer step size selecting means (103 of figs 1 and 2). However, Tajime does not particularly disclose wherein the bit-allocation unit increases a number of bits to be allocated for the current picture if complexity of an estimated current picture is large, and decreases number of bits to be allocated

for the current picture if the complexity of the estimated current picture is small as specified in claims 6, 26, and 36; wherein the complexity estimation unit estimates the complexity of the current picture based on a product of a complexity of a decoded current picture and a ratio of a complexity of an encoded previous picture of the current picture to a complexity of a decoded previous picture of the current picture as specified in claims 37-45 as shown in the specification of the application [0049], [0053], [0057].

*Conclusion*

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

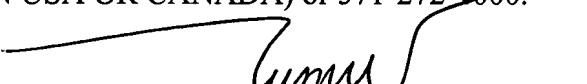
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tung Vo whose telephone number is 571-272-7340. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mehrdad Dastouri can be reached on 571-272-7418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Tung Vo  
Primary Examiner  
Art Unit 2621